

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANDREW W. ALBSTEIN, individually, and on
behalf of all others similarly situated,

Docket No. 10 Civ 05840

Plaintiff,

-against-

NOTICE OF REMOVAL

SIX FLAGS ENTERTAINMENT CORPORATION
and LO-Q INC.,

Defendants.

-----X

TO: MATTHEW HEARLE, ESQ.
GOLDBERG WEPRIN FINKEL GOLDSTEIN, LLP
1501 Broadway – 22nd Floor
New York, New York 10036

LO-Q INC.
c/o ANDREW GROSS, ESQ.
1201 Peachtree Street N.E.
400 Colony Square, Ste. 200
Atlanta, Georgia 30361

Defendant SIX FLAGS ENTERTAINMENT CORPORATION, through undersigned
counsel, pursuant to 28 USC §1332, 1441 and 1446 and Local Rule 81.1, hereby removes to the
United States District Court for the Southern District of New York, the action captioned Andrew
W. Albstein, individually, and on behalf of all others similarly situated v. Six Flags
Entertainment Corporation and Lo-Q, Index No. 109060/2010, which is pending in the Supreme
Court of the State of New York, County of New York.

1. Defendant Six Flags Entertainment Corporation is incorporated in the State of
Delaware and maintains its principal place of business in the State of Texas. Its address 924
Avenue J East, Grand Prairie, Texas 75050.

2. Defendant Lo-Q Inc. is domiciled in the State of Georgia. Its address is 351 Thornton Road, Lithia Springs, Georgia 30122. Upon information and belief, counsel to Lo-Q Inc. consents to removal.

2. According to paragraph "1" of the Complaint in the above-captioned action, plaintiff Andrew W. Albstein is a resident of New York County, New York. His residence address is unknown to the defendant .

3. Upon information and belief, the above captioned action was filed in the Supreme Court of State of New York, County of New York on or about July 9, 2010.

4. A copy of the Summons and Complaint was delivered to the agent of Six Flags Entertainment Corporation by the New York State Department of State, Division of Corporations on or about July 14, 2010.

5. A copy of the summons and complaint is attached hereto as Exhibit "A". The summons and complaint, upon information and belief, constitutes all records and proceedings in the State Court.

6. This Notice of Removal is timely filed pursuant to 28 USC §1446(b) in that it is filed within 30 days after defendants' receipt of the Summons and Complaint.

7. Plaintiffs seek in excess of \$100,300 in compensatory damages and in excess of \$1,000,000 in punitive damages against the defendants and seek to certify a class action.

8. Based on the allegations in plaintiffs' complaint, this action seeks damages exceeding the sum of \$75,000 exclusive of interest and costs. Because the amount in controversy exceeds the jurisdictional requirement and because there is complete diversity between plaintiffs and defendants, this Court has jurisdiction over this case pursuant to 28 USC §§1332 and 1441.

9. A copy of this Notice of Removal will be promptly filed with the Clerk of the Supreme Court of the State of New York, New York.

10. The removal of this action to the Southern District of New York does not waive any defendant's right to assert any defense in this action, including, but not limited to, defenses based upon jurisdiction.

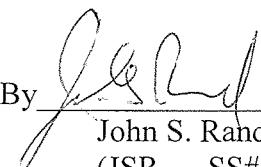
11. If any question arises as to the propriety of the removal of this action, defendants request the opportunity to conduct limited discovery and to present a brief and oral argument in support of its position that this case is removable.

WHEREFORE, defendant SIX FLAGS ENTERTAINMENT CORPORATION removes this action to the United States District Court for the Southern District of New York.

Dated: White Plains, NY
August 3, 2010

Respectfully submitted,

CLARK, GAGLIARDI & MILLER, P.C.
Attorneys for Defendant
SIX FLAGS ENTERTAINMENT
CORPORATION

By 
John S. Rand
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